THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8473 of 2007

Dated:23.04.2007

Between:

S.Barkatullah Hussain.

... Petitioner

AND

The District Collector (Panchayat Wing), Ranga Reddy District, and others.

... Respondents

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ORDER:

The petitioner herein is allegedly in possession of land admeasuring Acs.2.31 guntas in Survey No.120 situated at Shamshabad Village and Mandal in Ranga Reddy District, which according to him, is ancestral property. The property, statedly, is surrounded by a compound wall. A Zilla Parishad school is situated on the southern side of the petitioner's property. He alleges that the third respondent demolished the compound wall on the southern side and started unauthorized construction encroaching upon the petitioner's property. The petitioner, therefore, sent a legal notice dated 13.04.2007 requesting to stop the construction on pain of facing civil and criminal action. The same is still pending with the respondents. Nonetheless, the petitioner filed the instant Writ Petition.

The petitioner has already approached the respondents by legal notice informing them that he will take civil and criminal action for encroachment and illegal construction. Be that as it is, nothing prevents the petitioner from approaching the respondents or the civil Court for appropriate relief. This Court, however, observes that if the land on which the alleged construction is taken up by the third respondent or any part thereof is the property of the petitioner, as claimed, the respondents have to follow due process of law.

The Writ Petition, with the above observations, is accordingly

dismissed. No costs.

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(**V.V.S.RAO, J**)

23.04.2007
vs